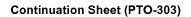
## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/807,281	FISCHER ET AL.	
Examiner	Art Unit	
Kenneth Peterson	3724	

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The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress	
THE REPLY FILED <u>07 October 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.				
1.  The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Apper for Continued Examination (RCE) in compliance with 37 C periods:	replies: (1) an amendment, affidavit eal (with appeal fee) in compliance v	t, or other evidence, www. with 37 CFR 41.31; or	hich places the (3) a Request	
a) The period for reply expires 6 months from the mailing date	of the final rejection.			
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire a Examiner Note: If box 1 is checked, check either box (a) or (	ater than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE	date of the final rejection	n.	
MONTHS OF THE FINAL REJECTION. See MPEP 706.07( Extensions of time may be obtained under 37 CFR 1.136(a). The date	•	36(a) and the appropriat	e extension fee	
have been filed is the date for purposes of determining the period of extunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	ension and the corresponding amount on hortened statutory period for reply original than three months after the mailing date	of the fee. The appropria nally set in the final Office	ate extension fee e action; or (2) as	
2. ☑ The Notice of Appeal was filed on <u>07 October 2009</u> . A bri	ef in compliance with 37 CFR 41.33	7 must be filed within	two months of	
the date of filing the Notice of Appeal (37 CFR 41.37(a)), appeal. Since a Notice of Appeal has been filed, any reply	or any extension thereof (37 CFR 4	1.37(e)), to avoid disr	nissal of the	
AMENDMENTS  3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because				
(a) They raise new issues that would require further consideration and/or search (see NOTE below);				
(b) They raise the issue of new matter (see NOTE below);				
(c) They are not deemed to place the application in bet appeal; and/or			ne issues for	
(d) They present additional claims without canceling a NOTE: (See 37 CFR 1.116 and 41.33(a)).	corresponding number of finally reje	ected claims.		
4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).				
5. Applicant's reply has overcome the following rejection(s):				
<ol> <li>Newly proposed or amended claim(s) would be all non-allowable claim(s).</li> </ol>	owable if submitted in a separate, t	imely filed amendmer	nt canceling the	
7.  For purposes of appeal, the proposed amendment(s): a) I how the new or amended claims would be rejected is prov. The status of the claim(s) is (or will be) as follows:		be entered and an ex	xplanation of	
Claim(s) allowed:				
Claim(s) objected to:				
Claim(s) rejected: Claim(s) withdrawn from consideration:				
AFFIDAVIT OR OTHER EVIDENCE				
8. The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good and				
was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing	a Notice of Anneal but prior to the	date of filing a brief w	vill not be	
entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary	vercome <u>all</u> rejections under appea	l and/or appellant fail:	s to provide a	
10.	n of the status of the claims after er	ntry is below or attach	ed.	
<ol> <li>The request for reconsideration has been considered bu See attached.</li> </ol>	t does NOT place the application in	condition for allowan	ce because:	
12. Note the attached Information <i>Disclosure Statement</i> (s). (	PTO/SB/08) Paper No(s)			
13.				



Application No.